

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROCHE FREEDMAN LLP,

Plaintiff,

v.

JASON CYRULNIK,

Defendant.

JASON CYRULNIK,

Counterclaim-Plaintiff,

v.

ROCHE FREEDMAN LLP, KYLE ROCHE,  
DEVIN FREEDMAN, AMOS FRIEDLAND,  
NATHAN HOLCOMB, and EDWARD  
NORMAND,

Counterclaim-Defendants.

Case No. 1:21-cv-01746 (JGK)

**PLAINTIFF AND COUNTERCLAIM-DEFENDANTS' NOTICE OF CROSS-MOTION  
TO EXCLUDE SPOILATION EVIDENCE**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Opposition to Cyrilnik's Motion for Sanctions and in Support of Cross-Motion to Exclude Spoliation Evidence, dated March 5, 2024, the Declaration of Randy M. Mastro with accompanying exhibits, the Declaration of Kyle Roche, the Declaration of Edward Normand, and all prior pleadings, papers, and proceedings had herein, Plaintiff and Counterclaim-Defendant Roche Freedman LLP, and Counterclaim-Defendants Kyle Roche, Devin Freedman, Amos Friedland, and Edward Normand (the "RF Parties"), by and through their counsel, King & Spalding LLP, hereby move this Court, before the Honorable John G. Koeltl in Courtroom 14A of the United States District Court for the Southern District of New York, at the Daniel Patrick

Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007, for an order excluding all evidence of alleged spoliation.

Dated: New York, New York  
March 5, 2024

KING & SPALDING LLP

By: /s/ Randy M. Mastro

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Counterclaim-Defendants Roche  
Freedman LLP, and Counterclaim-  
Defendants Kyle Roche, Devin  
Freedman, Amos Friedland, and  
Edward Normand*